

IN THE DISTRICT COURT IN AND FOR CREEK COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
CREEK COUNTY SAPULPA OK

DEC 27 2018

TIME 3:08  
Amanda VanOrsdol, COURT CLERK

ISEOMA AJEH, individually and  
as parent/guardian of J.J, minor child,  
and M.A., minor child,

Plaintiffs,

v.

TO LO TRUCKING COMPANY INC.,  
THOMAS GILLIES, and  
UNITED FINANCIAL CASUALTY  
COMPANY,

Defendants.

Case No. **CJ 2018- 378**

Judge **DOUGLAS W. GOLDEN**

*Attorney's Lien Claimed*

*Jury Trial Demanded*

**PETITION**

COMES NOW the Plaintiffs, Iseoma Ajeh, individually and as a parent/guardian of J.J and M.A., minor children, by and through their counsel, Daniel Aizenman, of the firm AIZENMAN LAW GROUP, and in support of their cause of action against the Defendants, To Lo Trucking Company Inc., Thomas Gillies, and United Financial Casualty Company, alleges and states as follows:

**JURISDICTION AND VENUE**

1. Plaintiffs, Iseoma Ajeh, individually and as a parent/guardian of J.J and M.A., minor children, are residents of Tulsa County, State of Oklahoma.
2. Upon information and belief, Defendant, Thomas Gillies, is a resident of Pinal County, State of Arizona.
3. Defendant, To Lo Trucking Company Inc., is a foreign company doing business in Oklahoma at the time of the subject motor vehicle collision.

4. Defendant, United Financial Casualty Company, is a foreign company doing business in Oklahoma at the time of the subject motor vehicle collision and insured To Lo Trucking Company Inc. at the time of the collision.

5. Each Plaintiff individually seeks damages in excess of \$75,000.00 exclusive of costs and interest, in excess of the amount required for diversity jurisdiction.

6. The motor vehicle collision that occurred on March 15, 2018, which is the basis of this lawsuit, occurred in Creek County, State of Oklahoma.

7. This Court has jurisdiction over the parties and the subject matter.

8. Venue is proper in this Court.

### **CAUSES OF ACTION**

#### **COUNT I – NEGLIGENCE**

9. Plaintiffs hereby incorporate and re-allege all preceding paragraphs by reference.

10. On March 15, 2018, Plaintiff Iseoma Ajeh was driving a vehicle with her two children, J.J. and M.A., on the Creek Turnpike in Sapulpa, Creek County, Oklahoma, when a semi-truck driven by Defendant Thomas Gillies side-swiped Plaintiff Ajeh's vehicle.

11. After Defendant Gillies collided with Plaintiff Ajeh's vehicle, he continued driving without stopping to exchange insurance information.

12. Upon information and belief, the semi-truck driven by Defendant Gillies was (and possibly still is) owned by Defendant To Lo Trucking Company Inc.

13. Upon information and belief, at the time of the subject collision, Defendant Gillies was doing work for Defendant To Lo Trucking Company Inc. and was in the course and scope of his employment.

14. Plaintiffs allege the cause of their injuries are due to the acts, conduct, and/or omissions of Defendants, and without any negligence on the part of the Plaintiffs contributing thereto, in one or more of the following particulars.

#### **COUNT II – NEGLIGENCE *PER SE***

15. Plaintiffs hereby incorporate and re-allege all preceding paragraphs by reference.

16. The Defendants' conduct, and/or omissions constitute violations of applicable statutory and/or municipal ordinances, including, but not limited to those of the operation of motor vehicles, rendering the Defendants liable under the legal theory of negligence *per se*.

#### **COUNT III – NEGLIGENT INJURY TO PROPERTY**

17. Plaintiffs hereby incorporate and re-allege all preceding paragraphs by reference.

18. As a result of the collision, Plaintiff Iseoma Ajeh's vehicle was damaged and Defendants owe attorney's fees and costs pursuant to 12 O.S. § 12-940 to recover for the property damage.

**DAMAGES**

19. Plaintiffs hereby incorporate and re-allege all preceding paragraphs by reference.

20. As a direct and proximate result of the Defendants' actions or omissions detailed above, the Plaintiffs suffered injuries and damages.

**PUNITIVE DAMAGES**

21. Plaintiffs hereby incorporate and re-allege all preceding paragraphs by reference.

22. Because the Defendants engaged in grossly negligent, intentional, willful, reckless, and/or malicious conduct, the Plaintiffs are entitled to an award of exemplary and punitive damages against the Defendants.

WHEREFORE, each Plaintiff individually prays for judgment in his/her favor against the Defendant for a sum in excess of \$75,000.00 exclusive of lawful costs, interest, punitive damages, and other relief this Court deems just and proper.

Respectfully submitted,



Daniel Aizenman. OBA #30971  
AIZENMAN LAW GROUP  
5800 E. Skelly Drive  
Suite 575  
Tulsa, OK 74135  
P: 918-426-4878  
F: 918-513-6080  
[dan@aizenmanlaw.com](mailto:dan@aizenmanlaw.com)